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09/825,097	04/03/2001	John R. Hind	RSW920000158US1	4431

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EXAMINER

OSMAN, RAMY M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/825,097	Applicant(s) HIND ET AL.	
	Examiner Ramy M. Osman	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This communication is responsive to the amendment filed on December 17, 2004 .

Claims 1-36 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1,17 and 27 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- The limitation "message from a client" is indefinite in lines 5,6 and 11. It should read "message *sent* from a client".
- There seems to be a step missing in the claims. On line 11, "receiving at the server" is unclear. Does the server initially receive the correlator value from the client and then determines that value to be annotated to the related message. Or is there a missing step which occurs before the receiving step, which might be the client sending a message including the correlator value received from the server. The claim is unclear.

4. Claim 4 rejected under 35 U.S.C. 112, second paragraph, as being indefinite. According to claim 1, the subsequent messages are sent to the server and not to the client.

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5. Claim 19 rejected under 35 U.S.C. 112, second paragraph, as being indefinite. It is unclear who or where is storing.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1,2,4-11,13-15,17,19-23,27 and 29-33 rejected under 35 U.S.C. 102(e) as being anticipated by Lowell (US Patent No 6,381,632).**

8. In reference to claim 1,17 and 27, Lowell teaches a method, a computer readable media and a system of providing improved clickstream data collection over a series of related messages exchanged between computers in a networking environment, comprising :

determining at a server computer a clickstream correlator value to be applied to related messages from a client computer (column 1 lines 55-67, Allard teaches that clickstream correlator values are well known in the art, as the mentioned SiteTrack is a monitoring program where a server assigns a clickstream value to be used in related messages sent from a client);

annotating at the server computer each at least one of the related messages from the client computer, with information reflecting the determined clickstream correlator value (column 1 lines 60-64); and

transmitting at least one of the annotated messages with the determined clickstream correlator value for delivery to the client computer (column 1 lines 64 & 65);

receiving at the server computer the clickstream correlator value from the client computer with subsequent ones of the related messages (column 1 lines 65 & 66); and

using the clickstream correlator value at the server computer to collect clickstream data that is indicative of how a user at the client computer interacts with content at the server computer (column 1 lines 65-67).

9. In reference to claim 2, Lowell teaches the method according to claim 1, wherein the clickstream correlator value indicates whether clickstream data collection is being performed (column 1 lines 60-67).

10. In reference to claims 4,19 and 29, Lowell teaches the method, the computer product and the system according to claims 1,17 and 27 respectively, further comprising storing the determined clickstream correlator value for use when transmitting subsequent ones of the related messages to the client computer (column 1 lines 64 & 65).

11. In reference to claims 5,20 and 30, Lowell teaches the method, the computer product and the system according to claims 1,17 and 27 respectively, further comprising:

receiving the transmitted annotated message at the client computer; and automatically returning the determined clickstream correlator value from the client computer to the server computer in each subsequent one of the related messages (column 1 lines 60-67).

12. In reference to claims 6,21 and 31, Lowell teaches the method, the computer product and the system according to claims 5,20 and 30 respectively, wherein the transmitted annotated message includes an object reference that is annotated to carry the determined clickstream

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correlator value, and wherein the automatically returning of the determined clickstream correlator value to the server computer step is enabled by receipt by the client computer of the annotation of the object reference (column 1 lines 60-67 and column 2 lines 1-10).

13. In reference to claim 7, Lowell teaches the method according to claim 1, wherein at least one of the annotated messages is a response that serves a Web page to the client computer (column 1 lines 60-67).

14. In reference to claim 8, Lowell teaches the method according to claim 1, wherein at least one of the annotated messages is a request from the ' client computer for a Web page.

15. In reference to claim 9, Lowell teaches the method according to claim 1, wherein at least one of the annotated messages is a request from the ' client computer for a Web object.

16. In reference to claims 10,22 and 32, Lowell teaches the method, the computer product and the system according to claims 5,20 and 30 respectively, wherein at least one of the annotated messages is a response that serves a Web page to the client computer and wherein at least one of the subsequent ones of the related messages is a request for information referenced by the Web page.

17. In reference to claims 11,23 and 33, Lowell teaches the method, the computer product and the system according to claims 5,20 and 30 respectively, wherein at least one of the annotated messages is a response that serves a Web page to the client computer and wherein at least one of the subsequent ones of the related messages is a request for information selected from the Web page by a user of the client computer.

18. In reference to claim 13, Lowell teaches the method according to claim 2, wherein annotation of the at least one of the related messages from the client computer further comprises

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storing the information reflecting the determined clickstream correlator value as part of a routing token in the annotated messages (column 2 lines 1-10).

19. In reference to claim 14, Lowell teaches the method according to claim 5, wherein the routing token is used to modify a Uniform Resource Locator from a header of selected ones of the related messages (column 2 lines 1-10).

20. In reference to claim 15, Lowell teaches the method according to claim 13, wherein the routing token further comprises information enabling identification of the client computer and server computer, as well as identification of a storage area used to store the determined clickstream correlator value for the related messages (column 1 line 60 – column 2 line 10).

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 3,13,16,18,24,25,26,28,34,35 and 36 rejected under 35 U.S.C. 103(a) as being unpatentable over Lowell (US Patent No 6,381,632) in view of Allard et al (US Patent No 6,018,619).

23. In reference to claims 3,18,28, Lowell teaches the method, the computer product and the system according to claims 1,17 and 27 respectively,, including wherein the clickstream correlator values are for the related messages. Lowell fails to explicitly teach log entries.

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However, usage logs are well known in the art, as taught by Allard for the purpose of analyzing website traffic (Abstract, column 14 lines 7-37 and column 18 lines 60-65).

It would have been obvious for one of ordinary skill in the art to modify Lowell by using the clickstream correlator value to correlate at the server computer stored log entries created for the related messages as per the teachings of Allard for the purpose of analyzing website traffic.

24. In reference to claim 12, Lowell teaches the method according to claim 4. Lowell fails to explicitly teach wherein the determined clickstream correlator value is stored in the server computer. However, Allard teaches that it is stored along in the log entries in the server for the purpose of analyzing website traffic (Abstract, column 14 lines 7-37 and column 18 lines 60-65).

It would have been obvious for one of ordinary skill in the art to modify Lowell by storing the determined clickstream correlator value in the server per the teachings of Allard for the purpose of analyzing website traffic.

25. In reference to claims 24 and 34, Lowell teaches the computer product and the system according to claims 2, 18 and 28 respectively, wherein annotation of the at least one of the related messages from the client computer further comprises storing the information reflecting the determined clickstream correlator value as part of a routing token in the annotated messages (column 2 lines 1-10).

26. In reference to claims 25 and 35, Lowell teaches the computer product and the system according to claims 5, 24 and 34 respectively, wherein the routing token is used to modify a Uniform Resource Locator from a header of selected ones of the related messages (column 2 lines 1-10).

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27. In reference to claims 16,26 and 36, Lowell teaches the method, the computer product and the system according to claims 1,17 and 26 respectively,. Lowell fails to explicitly teach using the determined clickstream correlator value when logging records reflecting the annotated messages; and using the logged records to reconstruct a user's navigational experience during the series of related messages. However, usage logs are well known in the art, as taught by Allard for the purpose of analyzing website traffic (Abstract, column 14 lines 7-37 and column 18 lines 60-65).

It would have been obvious for one of ordinary skill in the art to modify Lowell by using the clickstream correlator value to correlate at the server computer stored log entries created for the related messages as per the teachings of Allard for the purpose of analyzing website traffic..

Response to Amendment

28. Examiner acknowledges the amendment filed 12/17/2004 where applicant amended claims 1,3-13,15-24,26-30 and 32-33. No claims were cancelled or added

Response to Arguments

29. Applicant's arguments with respect to claim1-36 have been considered but are moot in view of the new ground(s) of rejection.

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30. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO
April 16, 2005



SALEH NAJJAR
PRIMARY EXAMINER